



Managing and Conserving our Water to Preserve our Culture, Communities and Future Generations of New Mexicans

Introduction

Nearly all of New Mexico is currently experiencing a drought. For much of the state, that drought is severe or worse. And while we welcome recent rains, the end of this drought is nowhere in sight.

We are not alone. By March of this year, eight Western states were already under “extreme drought conditions.” The 40 million people who rely on water from the Colorado River Basin will be left with less water as the snowpack in the mountains continues to decline.

The effects of climate change are already beginning and will only get worse. Longer droughts are occurring more frequently. Less snowfall is creating smaller mountain snow packs. Higher temperatures melt the snow faster, leaving less surface water in our upstream reservoirs. In fact, the Bureau of Reclamation estimates that over the next century, the spring runoff that we have relied on will decline by almost one-third and our water supply will vary more and be less predictable.

Such hydrological changes will have lasting, and significant impacts. We can expect more fires that will burn hotter and longer. There will be a decrease in the water content in our soil, which may require a shift in the crops we grow. As farmers seek to conserve water by choosing drip irrigation over flooding, there will be less water returned to our underground aquifers.

But climate change is not the only challenge we face. Our water demands are increasing just as supply is decreasing. New industries and expanding development driven by a growing population will add to the demand for water. Aging infrastructure – from local water systems to outdated water collection practices -- threaten New Mexicans’ access to safe, reliable water.

Our state also faces ongoing litigation over water rights including the *Texas vs New Mexico and Colorado* case now before the Supreme Court. Tribes and pueblos also have significant unresolved water rights claims. And existing compacts with neighboring states will come under increasing pressure as the entire region adjusts to the decline in surface and groundwater. Meanwhile, the federal government, which today is more interested in politics than science, wants to gut environmental laws designed to preserve and protect our state’s precious watersheds for future generations.

This is our new normal.

The challenges are daunting, but they are also an opportunity. ***Smart water management and conservation must become a way of life in New Mexico.*** To ensure adequate supply and create a realistic, sustainable plan, we need to rethink how we manage our water supply. By working together, we can rise to the challenge.

As governor, I will make New Mexico's water management a statewide, ongoing priority based on three basic principles:

- **Stewardship.** We must be good stewards of our precious water supply and prepare for the impact of our changing environment.
- **Sustainability.** We must manage our water to meet the needs of today while ensuring a reliable supply of clean water for future generations.
- **Equity.** We must manage our water in a way that meets our basic notions of fairness with a system that serves all New Mexicans.

Stewardship

New Mexico's water is a precious resource, the foundation of our state's economy and way of life, and an essential part of our New Mexico culture. We are facing complicated demands that quickly are outpacing our supply. Community water sources often cut across the state's traditional water planning regions; water priority status is often not aligned with cultural traditions, further complicating water planning; and the changing climate requires us to modernize our infrastructure and management practices.

Water management starts in the governor's office. Unfortunately, the current governor has largely ignored the challenges we face, only releasing a draft of a New Mexico Water Plan during her final months in office.

It is time to make smart water management a top statewide priority. As governor, I will:

- **Create a 50-year water plan for the state and a robust, ongoing statewide water management program.** Current law requires that the Interstate Stream Commission (ISC), the Office of the State Engineer (OSE) and Water Board work together to develop a state water plan every five years. The draft plan released in July should serve as a strategic guide and be updated regularly. But we need a 50-year plan and the state must engage local communities on an ongoing basis so we can identify new risks and opportunities as they emerge, and develop new policies as necessary. We also need to build consensus around state and local priorities.

This effort will require more money to pay for additional professional and technical staff, as well as the technical studies that should be the basis for any water management plan. We need to follow the models of neighboring states, approach water planning and management as an ongoing process, and fund our efforts accordingly.

- **Strengthen our state water agencies.** Dysfunction, political infighting, a staffing exodus and budget cuts all have undermined the mission of the Interstate Stream Commission (ISC) and the Office of the State Engineer (OSE). Staff morale is low. ISC commissioners have resigned in protest. Remaining staff are stretched too thin. Money from programs like the Irrigation Works Construction Fund is being used to pay for operating expenses instead of infrastructure. This has to stop. We need to revitalize these essential water offices. As governor, I will:

- Appoint strong leaders and managers who will work well together, collaborate with local, tribal and federal authorities and put science before politics.
- Expand and diversify the staff with professionals who have the experience and skills necessary to address the challenges we face.
- Restore adequate funding so the OSE/ISC can operate without raiding water trust funds.
- Provide more technical support to local governments, acequias, interest groups, industry and individuals, including:
 - Technical assistance for local water planning and mapping;
 - Guidance in identifying federal funding opportunities;
 - Consensus building around local efforts like watershed restoration plans and project prioritization; and
 - Help in identifying and implementing best practices.
- **Bring competing interests together at the same table.** The most recent state water plan is the result of two years of community input throughout the state. We need to build on that momentum and keep communities involved in the process. As our water policies evolve to reflect our new normal, we need to ensure that all our stakeholders – municipal governments, Tribes and Pueblos, acequias, colonias, environmentalists, community organizations, water system operators, important industries like oil and gas, farmers, ranchers, and local residents – are informed and engaged. A well-run system of engagement and planning can provide a platform for resolving conflicts and establishing priorities in a constantly-changing environment. As we develop and implement a 50-year water plan, we need to ensure all New Mexicans are included.
- **Strengthen our working relationships with other jurisdictions.** The state’s water agencies are tasked with protecting New Mexico’s interests in eight interstate water compacts; two federal treaties with Mexico that apportion water for our state; three water rights settlements with tribes; and 11 river basins; as well as working with the state’s acequia associations. Staff have worked to keep these relationships going, but the significant cuts in personnel and budget make it difficult for them to provide adequate oversight for all of the activities associated with these pacts. And as the effects of climate change alter the amount of water available, we need to be working with our neighbors to protect our interests.
- **Engage New Mexico’s Tribes and Pueblos in the state’s water management activities.** Smart water management requires cooperation between neighbors. We must respect and recognize tribal sovereignty and rights and work with the Tribes and Pueblos to develop water policies and practices that respect senior water rights, cultural traditions and our environment.
- **Prioritize cooperation and negotiations over litigation.** Water rights adjudication can take decades. These are complex cases that affect numerous claimants’ rights across vast areas. In 2015, the state had a dozen active adjudications (including one first filed in 1966). These cases involved 18 Tribes or Pueblos, more than 72,000 non-Indian claimants and almost half a million irrigated acres. In recent years, the state courts and legislature have sought ways to speed up the process, and we need to continue pursuing such reforms. However, we also need to recommit to the principal that litigation should be the last resort and expand state efforts to negotiate settlements. It is in everyone’s

best interest to reduce the number of cases that go to court and spend limited resources on shoring up our water infrastructure, instead of litigation.

For example, it has been five years since *Texas v. New Mexico* was filed. A trial is currently set for the fall of 2020. If the U.S. Supreme Court ultimately sides with Texas, New Mexico could be liable for an estimated \$1 billion payment to Texas, and farmers in southern New Mexico might be forced to curtail watering their crops. Since 2014, the state has spent more than \$15 million in staff and legal fees. Instead of waiting for the court to hand down a decision, New Mexico must work with Texas, Colorado and the federal government to find a solution that works for all of us. State water officials have started such discussions. As governor, I will ramp up these efforts to find a fair and equitable out-of-court solution.

- **Work with the New Mexico Acequia Commission.** Created in 1987, this advisory board was established to advise the governor, the ISC and the Army Corps of Engineers. In 1993, state law formalized the commission's mission to include serving as facilitators between local acequias and the state and federal government, and providing guidance and recommendations regarding policy affecting New Mexico's acequias. We need to consistently and regularly engage the commission and incorporate their findings into our work.
- **Collect more information about our water resources.** Eleven of the 16 state water planning regions reported that they need much more data to evaluate our current water resources and plan for the future. We must:
 - Identify what information is needed - from precipitation levels to use of groundwater to aquifer mapping - and establish a process to make data collection and monitoring routine;
 - Work with government agencies and utilities around the state to develop financial incentives like utility rebate programs to promote broader adoption of monitoring and conservation technologies like meters and drip irrigation systems;
 - Work with New Mexico's water users - public and private - to implement water monitoring and data sharing statewide; and
 - Coordinate with federal, tribal and regional agencies -- and private entities that have helped fund such efforts in the past -- on large scale data projects such as modeling and mapping.
- **End work on the Gila River Diversion Project.** With about a year left to secure approval for the diversion project, there is little to show for the millions spent on staff, lawyers and studies. New Mexico can use the federal funds from the 2004 Arizona Water Settlements Act for water efficiency, conservation and restoration projects or receive additional money to build a diversion of the Gila River. In 2014, the ISC decided, by one vote, to pursue the diversion and there is still not a clear financially viable plan that will benefit local communities. We need to use the settlement money more efficiently on other projects that could help more of southwestern New Mexico. As governor, I will take whatever steps are available to withdraw the proposal for the diversion project and ask the ISC to explore alternatives to diversion with local governments and stakeholders and develop appropriate plans. I also will work with our Congressional delegation to ensure that the Gila River is protected by federal law.

Sustainability

The threats to our water continue to multiply. As our physical, hydrological and legal environments change, we must change how we approach water management across the state. Climate change, aging infrastructure, over pumping our ground waters in times of drought, and litigation all present evolving challenges. We must be better prepared for the unexpected and make sure we have the resilience to prepare for our new normal.

We must identify and implement sustainable practices statewide now. But we must also plan for the future, and begin making the policy changes and investments in new technologies to ensure that we have the resilience to meet the challenges of tomorrow.

As governor, I will:

- **Expand water conservation practices.** Throughout New Mexico and across the West, communities are implementing water management practices that strike a balance between development, conservation and water quality so that we can meet the needs of today, without compromising the needs of future generations. Our goal should be making sure every drop of water is used responsibly.

Working with leaders throughout the state, we need to encourage the adoption of effective practices and programs such as:

- *Water reclamation / reuse programs.* The use of recycled water is becoming more common - from the use of “purple pipes” that deliver recycled water for non-potable uses like irrigation to environmental restoration and in some cases, it is even used for drinking water. New Mexican communities are beginning to expand use of recycled water, but as potable water becomes more scarce, these programs will play a larger role in meeting our water needs.
- *Watershed restoration and protection programs.* We need to identify ways to protect our watersheds and restore those damaged by fire. The Rio Grande Water Fund - an exciting collaboration of 40 government agencies and stakeholder organizations is working to accelerate forest and watershed restoration. As this program evolves, it may prove to be a model for other communities to replicate.
- *Better data collection.* As discussed earlier, we need a better understanding of how much water we have, what is the quality of that water, and where it is.
- *Water conservation.* Reducing the amount of water used is the most cost-effective way to meet our growing water needs. But it takes commitment. We must expand water conservation programs, adopt building codes to promote water conservation, and promote individual conservation practices like installation of low-flow toilets and xeriscaping. We should provide incentives for all New Mexicans to use less water year round.
- *Sustainable Agriculture practices.* New Mexico’s complex water laws have complicated water conservation efforts for our farmers. Agriculture is responsible for the lion’s share of the state’s annual water usage, but the state has not developed broad, effective programs to promote water conservation for farmers. New Mexico’s farms are part of a culture, and we must work to protect our agricultural heritage. As governor, I will work with the legislature, OSE, farmers, ranchers and other stakeholders to develop incentives that will promote the smart and careful use of water that protects our way of life.

- *Goal setting.* We will work with industry and government to set realistic goals to begin reducing reliance on outdated practices like groundwater mining -- using more groundwater than is naturally replenished -- that threaten our water resources.
- *Upgrading local management systems.* From local water authorities to irrigation districts, we must determine where new policies and infrastructure can improve conservation, recognizing that each community is unique.
- *Updated laws and regulations.* I also will work with the state legislature to modernize our state's water laws to encourage conservation by:
 - Standardizing codes used for water planning.
 - Incentivizing industry to use less water in total.
 - Updating building codes to promote sustainable water use.
 - Incentivizing industry adoption of sustainable technologies and practices.
- **Invest in and promote adoption of new water technologies, including water reuse and desalination of brackish water.** Climate change is driving development of new technologies designed to address water scarcity. Some technologies like well monitors are relatively low-cost, can be easily deployed and provide vital information that will help New Mexico better understand the extent of its water resources. Other technologies, such as desalination hold the promise of creating potable water from deep groundwater supplies of brackish water. As these technologies continue to proliferate, we must address the complex water rights and costs and benefits of these projects.

We must promote early adoption of existing technologies with an eye towards increasing conservation and reclamation while investing in research to develop and test new solutions like irrigation improvements, deep groundwater drilling, and desalination. In addition, we must support efforts to develop and implement technologies that make it possible to safely reuse produced water from the oil and gas industry while ensuring protections for public health and safety.

There is no silver bullet to solve our water crisis – we must pursue a broad set of strategies, not plan for a moon shot. We need to support development of multiple technologies and implement a variety of practices to better protect us. And, as we embrace new practices and tools, we must make sure that our infrastructure - from storage to delivery - is updated accordingly.

Equity

Our water policy must be based on New Mexicans' basic notions of fairness. We must make sure that we are serving all New Mexicans and protecting our natural environment. We can learn from the collaborative spirit of acequias – to work together to ensure that all of New Mexico's communities have reliable access to clean water, and that our investments are made equitably across the state.

As governor, I will work to ensure that:

- **All New Mexico communities have reliable access to clean drinking water.** Access to safe, clean water is one of the building blocks to improving New Mexico's public health. We need consistent, statewide quality standards for water used for human consumption, based on the same science-based health standards.

As Head of the Department of Health I supported a statewide study of arsenic and other metals in drinking water to help New Mexico communities clean up their water resources. I also helped secure \$50 million investment in a new state lab, that conducts much of the environmental testing for the state of New Mexico. As governor, I will continue to fight for safe water by:

- Identifying which municipal water systems are struggling to provide clean water and prioritizing funding and technical support to those communities to help them address their specific needs.
 - Require mandatory disclosure of what chemicals are used in hydraulic fracturing to better protect groundwater.
 - Support reform of the state's copper rule to protect groundwater from copper-mining operations.
 - Improving coordination between the state's public health officials and water programs to address issues quickly and effectively.
- **Protect vulnerable communities from speculative water transfers and support fair adjudication of water rights.** We will support New Mexico's acequia communities by accounting for them in water plans and regulations on the state and district level and by recognizing water sharing agreements. Ensuring that they have access to the technical support they need is critical for their long-term sustainability.
 - **Collaborate with Tribal and Pueblo neighbors.** We will work with Tribal and Pueblo leaders and our federal partners to identify opportunities to ensure that they too have clean water and reliable infrastructure. I support last year's decision by the Ninth Circuit Court in *Coachella Valley Water District v. Agua Caliente Band of Cahuilla Indians*, which recognized tribal rights to groundwater. We need to ensure that fair water rights are serving all New Mexicans, and tribal rights to groundwater are one piece of this. We must continue to support Indian water rights – their negotiation, implementation, and protection – and collaborate with tribal governments in our planning efforts to coordinate fair and effective long-term water management.
 - **Make sure that the colonias are treated fairly and fully as we invest in our state's water infrastructure.** Critical investment is needed in the water systems across the state - including acequias and the colonias along the Mexican border. These communities – of which there are 37 in Doña Ana County alone – have at times desperate need for clean water. The approximately 100,000 people who live in colonias and other unincorporated communities are at particular risk of shortages and low-quality drinking water due to financial and legal hurdles.

For example, expensive permits and assessments can lead to residents digging their own wells, which can be problematic if they are too shallow or located too close to septic tanks. In areas with water treatment plants, high levels of contaminants can be present for years without any improvement. State funding for capital projects in the colonias through general appropriations was cut altogether in 2016, however, leaving the Colonias Infrastructure Trust Fund as the sole state-level funding source for these communities. We need to support this fund and continue working to

improve these communities, in addition to restoring funding for much needed infrastructure through general appropriations.

- **Invest our resources wisely and leverage additional investments for critical projects.** To meet our ambitious goals, we must be smarter about how we invest our precious resources. As governor, I will bring order to the state's fragmented water project capital financing process. We need a regular funding stream for water projects to help leverage private sector financing, now more than ever.

The 2018 New Mexico State Water Plan draft, released in July, catalogued more than 2,600 proposed water projects, policies and programs (PPPs) that communities believe would help them address water planning goals such as improving water system efficiencies, mitigating drought, and increasing water supply.

Cost estimates were included for only 60 percent of the proposed PPPs but those costs exceeded \$4 billion between 2018 and 2020. For a state with a total operating budget just over \$6 billion, a \$4 billion water bill is just too high.

We will work with stakeholders, government agencies and the legislature to identify our most pressing needs, and prioritize. We must also identify opportunities to pool or leverage resources such as:

- *Federal funding programs* like the Reclamation Water Settlements Fund. We must aggressively pursue grants and matching funds available from infrastructure programs such as those housed in the Agriculture, Interior and Energy departments.
- *Public-private partnerships.* There is a growing market for public private partnerships to develop new large-scale water projects such as wastewater treatment plants.
- *Regional compacts.* High dollar projects such as climate modeling and deep groundwater mapping can benefit the entire region. As governor, I will seek opportunities to share costs on such big ticket projects.
- *Lab tech transfers.* The National Laboratories based in New Mexico are leaders in computer modeling and basic science research. As residents of New Mexico, they have a vested interest in smart water management. We must work with the Labs to develop new water technologies and share the costs for large scale efforts like up-to-date modeling.

Conclusion

New Mexico's future depends on a reliable supply of water. For too long, we have taken a disjointed approach to how we meet the state's growing demand for water.

As governor, water management will become a priority. And it will stay a priority throughout my time in office. We will develop a strategic 50-year water plan built on consensus and based in reality. It is time for New Mexico's state leadership to embrace the state's role as steward of our precious water.

New Mexicans have a history of working together. Practices like water sharing during droughts and innovate low-cost practices like those found in acequias are examples of our

inherent resilience as a state. By working together, we can avoid crisis and ensure everyone has access to the safe, reliable water today, and in the future.